

May 22, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM P.,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-3202-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 14. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Jeffrey E. Staples represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, further develop the record as necessary, and issue a new decision. The ALJ shall: (1) re-evaluate the evidence, particularly Dr. Smiley's opinion; (2) re-evaluate Plaintiff's residual functional capacity, as necessary; and (3) re-evaluate whether

1 Plaintiff could perform his past work or any other jobs existing in significant
2 numbers in the national economy, as necessary. Plaintiff may present additional
3 testimony and submit additional evidence.

4 2. **Judgment shall be entered for PLAINTIFF.**

5 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
6 **STRICKEN AS MOOT.**

7 4. An application for attorney fees and costs may be filed by separate
8 motion.

9 The District Court Executive is directed to enter this Order, forward copies
10 to counsel, and **CLOSE THE FILE.**

11 DATED May 22, 2019.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE